



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

April 16, 2004

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

MEMORANDUM □

DATE: April 16, 2004

SUBJECT: Environmental Justice News for April 2 - April 16, 2004

FROM: Nicholas Targ, Counsel
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This summarizes environmental justice news for April 2, 2004, through April 16, 2004. Except as noted, this review is confined to Lexis/Nexis queries conducted under the following search: “(environment! w/2 (justice or racism or equity or disproportionate or disparate)) or (environment! w/50 minorit! or low***income) or (executive order 12898) or (civil right! w/50 environmental)”. Please note that we have not included multiple articles covering the same topic.

For the period ending April 16, 2004, the following news is current:

A. News—

1. “Remarks of Senator John Kerry to Howard University,” Federal News Service, (April 15, 2004).

The article reports on a speech given by presidential candidate Senator John Kerry at Howard University. In that speech Senator Kerry is quoted as stating, “I’m going to have a division of environmental justice in the Justice Department. We’re going to have an assistant attorney general for justice, and I have environmental empowerment zones... like the empowerment zones for economic purposes, we’re going to have them for environmental purposes, to make sure we clean up the brown fields, tear down the old buildings, build decent housing, and change the quality of life.”

2. Thomas Spencer, “Davis Aids Environmental Deal,” Birmingham News, Birmingham, Alabama (April 14, 2004).

Congressman Arthur Davis (D-AL) recently conducted an environmental justice tour of his district. While on the tour he met with members of Friends of Hurricane Creek, an organization that planned to sue the City of Tuscaloosa over recurring sewage overflows. According to the article, Representative Davis convened a meeting between the City and the organization that resulted in the City pledging to improve response times to spills and to perform a survey and assessment of its system. Based on those commitments, according to the article, the organization withdrew its notice of intent to sue, retaining the right to refile. The Congressman also visited industrial and waste sites, and pledged to help locate federal funds to remediate and rehabilitate facilities.

3. Mark Schleifstein, “EPA must see big picture of pollution, panel hears; [New Orleans] meeting looks at troubled [Louisiana] town,” Times-Picayune, New Orleans, Louisiana (April 14, 2004).

Community residents from St. Mary Parish, Louisiana, met with members of the National Environmental Justice Advisory Council (NEJAC) to discuss local, environmentally-related health problems. Clemintine Matthews, a community resident, said, “The community is an example of why the Environmental Protection Agency shouldn’t look at problems chemical by chemical, but rather at pollution in context with larger community issues, according to a report aimed at advising the EPA on how the agency can better address environmental justice issues stemming from multiple environmental threats.”

4. Sandra Stokely, “Latinas learn to take action on environmental health,” Press Enterprise, Riverside, California (April 11, 2004).

The article reports, “The first group of graduates of the Center for Community Action and Environmental Justice’s SALTA [“Salud Ambiental Latinas Taking Action”] program received diplomas at an April 2 ceremony. The 28 women and two men spent 12 weeks studying the environmental challenges confronting them in their homes and communities.”

5. “What’s happening in your neighborhood,” Saint Paul Pioneer Press, Saint Paul, Minnesota (April 7, 2004).

University of Wisconsin-Eau Claire sponsored a lecture on April 7 entitled, “Environmental Justice from a Native Perspective.” The lecture was presented by Winona LaDuke, former Green Party’s vice-presidential candidate.

B. Legislative/Regulatory—

1. Statement of Senator Tom Daschle (D-SD), “National Public Health Week,” 150 Cong Rec S 3967 (April 8, 2004).

Highlighting the Healthcare Equality and Accountability Act of 2003, and with special reference to health disparities as they affect Tribal populations, Senator Daschle stated that, “Minorities are far less likely to have health insurance or a family doctor, making regular preventive visits less likely. . . . Minority communities are more frequently exposed to

environmental risks, such as polluted industrial areas, cheap older housing with lead paint, or asbestos-laden water pipes.”

2. Statement of Representative Charles Rangel (D-NY), “Tribute to Ann Sunstein Kheel,” 150 Cong Rec E 532, April 2, 2004.

Honoring the life of long-time New York City resident Ann Sunstein Kheel, who recently passed, Representative Rangel noted that she was “deeply involved in campaigns for environmental justice. . . . Ms. Kheel ensured that her great contributions to the social life of New York City would not end with her death. The Kheel family decided to create the Ann S. Kheel Charitable Trust and endowed it with \$1 million... [The] trust which will provide funding for educational, civil rights and other organizations serving disadvantaged New York neighborhoods.”

3. Notice, United States EPA Summary Comments pursuant to § 309 of the Clean Air Act, 69 Fed. Reg. 17403, “I-880/CA-92 Interchange Reconstruction, I-880 from Winton Avenue to Tennyson Road, Hayward, Alameda County, CA” (April 2, 2004).

The summary provides that, “EPA continues to have environmental concerns with the proposed project regarding construction-related air quality impacts and the potential for environmental justice impacts. EPA recommends that the Federal Highway Administration (FHWA) develop a detailed construction emissions mitigation plan for adoption in the ROD and that FHWA elicit and consider the views of effected minority and low-income populations on the construction mitigation plan.”

4. H. R. 4100, “Get Outdoors Act of 2004,” introduced on March 31, 2004, by Representative George Miller (D-CA) and Representative Don Young (R-AK).

This bill would “establish a permanent trust fund to get Americans outdoors by providing access to parks and recreation areas in urban and rural communities, preservation of historic places, and promotion of healthy and active lifestyles, and to provide for hunting, angling, and wildlife viewing for the people of the United States.” Among other things, §5(b)(4) would provide annually \$125 million for urban parks.

5. California, SB 1168, “Healthy Californians Biomonitoring Program,” Introduced by Senator Deborah Ortiz (D-6th Dist.) on February 3, 2004, last amended April 15, 2004.

Among other provisions, this bill would require the Division of Environmental and Occupational Disease Control to: (1) establish the Healthy Californians Biomonitoring Program; (2) assess a fee upon manufacturers or persons who directly produce toxic chemicals; (3) adopt related regulations; and (4) establish an advisory panel to assist the agency. A representative from an environmental justice organization would serve on the panel.

6. California A.B. 2297, Introduced by Assemblyman Juan Vargas (D-79th Dist.) on February 19, 2004, amended April 1, 2004.

This bill would amend the California Health and Safety code to add provisions relating to lead contamination of candy. Among other things, this bill would authorize the funding of grants to and contracts with “environmental justice organizations” to conduct studies and public outreach efforts.

7. California, “Environmental Justice Small Grant Program,” 2004 Reg.Lexis 16957 (April 9, 2004).

“This rulemaking action specifies how grants funded to support projects that address environmental justice as authorized by Public Resource Code section 71116 shall be awarded and administered.”

C. Litigation–

In the Matter of Private Fuel Storage, L.L.C., NRC Docket No. 72-22-ISFSI; CLI-04-09, 2004 NRC LEXIS 43 (March 24, 2004).

The Nuclear Regulatory Commission denied the motion of Ohngo Gaudadeh Devia (OGD) to reopen the case record (to address environmental justice issues) for the nuclear storage facility on the reservation of the Skull Valley Band of Goshute Indians. The denial was supported by the Tribe. In denying the petition, the NRC reiterated that “intratribal disputes [that] OGD sought to litigate...-- over how particular Skull Valley band leaders have utilized or distributed lease payments made by PFS – fell beyond the scope of the National Environmental Policy Act ("NEPA") and beyond the Licensing Board's jurisdiction. As we stated, ‘unless Congress has specifically acted to abrogate a tribe's sovereign immunity, a wholly intratribal dispute must be resolved within the tribe.’” Internal citations and footnotes omitted.